

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Bo-Sung Kim

Serial No.: 09/924,677

Confirmation No.: 3659

Filed: August 9, 2001

Docket No.: 6192.0170.AA

Group Art Unit: 2813

Examiner: HUYNH, Yennhu B.

For: **LIQUID CRYSTAL DISPLAY**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR PARTIAL WITHDRAWAL OF
REQUIREMENT FOR RESTRICTION UNDER 37 C.F.R. §1.144**

Sir:

In the Requirement for Restriction mailed on June 17, 2003, the Examiner stated that the application contains three patentably distinct species: Species I (Claims 1-5); Species II (Claims 6-13 and 17-21) and Species III (claims 14-16, 22 and 23).

In response to the Requirement for Restriction, Applicant provisionally elected Species I, with traverse. However, in the Office Action mailed on October 17, 2003, the Examiner stated that the requirement was still deemed proper and made final, although claims 4-16 were newly categorized as Species I.

In this petition, Applicant respectfully requests to reconsider the requirement for restriction and to partially withdraw the restriction of claims 17, 18, 22 and 23 (Group III) for the following reasons.

The Office Action asserted that non elected claims 17, 18, 22 and 23 have been drawn to Species III for being drawn to a fluorescent lamp of an LCD device without $\text{Zn}_2\text{SiO}_4\text{:Mn}^{2+}$ with Mn^{2+} as an activator. This assertion is respectfully traversed.

As MPEP 806.03 recites “Where the claims of an application define the same essential characteristics of a single disclosed embodiment of an invention, restriction therebetween should **never** be required”.

With respect to non-elected claims 17 and 18, the Examiner asserted that claim 1-5 are drawn to Group I while claims 17 and 18 are drawn to Group III. Claims 1-5 are directed to an embodiment shown in Fig. 3, which is directed to the green color phosphor having only one maximum luminous peak by removing or minimizing the side peaks of the green color light (a and b of Fig. 2) for improving color reproductivity (Specification, page 14, lines 4-16). The embodiment discloses using $\text{Zn}_2\text{SiO}_4\text{:Mn}^{2+}$ with Mn^{2+} as an activator in order to remove or minimize the side peaks of the green color light, which is recited in dependent claim 2.

Claims 17 and 18 of Group III define the same essential characteristics (i.e., the green color phosphor having only one maximum luminous peak by removing or minimizing the side peaks of the green color light) of the same embodiment shown in Fig. 3.

It is true that claims 17 and 18 do not recite using $\text{Zn}_2\text{SiO}_4\text{:Mn}^{2+}$ with Mn^{2+} as an activator, which is recited in claim 2. However, this does not mean that claims 17 and 18 are not directed to the same essential characteristics of the embodiment shown in Fig. 3. Rather, as explained above, claim 17 recites the same essential characteristics of the embodiment shown in Fig. 3.

Since claims 1-5, 17 and 18 define the same essential characteristics of a single disclosed embodiment of an invention, Applicant believes "restriction therebetween should never be required".

With respect to claims 22 and 23, the Examiner asserted that claims 14-16 are drawn to Group I while claims 22 and 23 are drawn to Group III. Claims 14-16 are directed to an embodiment shown in Fig. 7 of the present application, in which the blue phosphor has a luminous spectral distribution of a line shape.

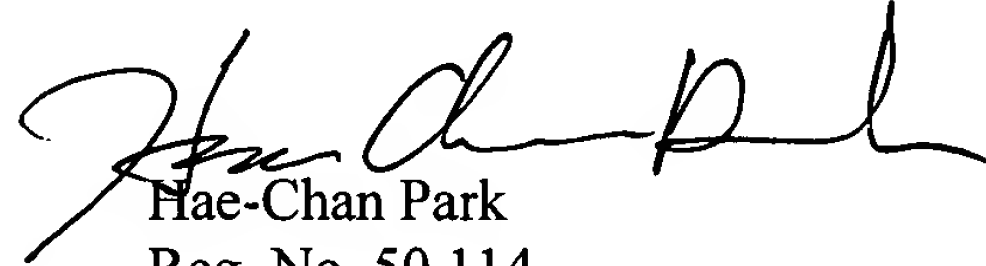
Claims 22 and 23 define the same essential characteristic of the embodiment shown in Fig. 7. For example, independent claim 22 specifically recites "said blue color phosphor has a luminous spectral distribution of a line shape".

Since claims 14-16, 22 and 23 define the same essential characteristics of a single disclosed embodiment shown in Fig. 7, it is believe that "restriction therebetween should **never** be required".

For the reasons above, it is respectfully requested that the Election of Species Requirement is partially withdrawn and claims 17, 18, 22 and 23 be rejoined to Group I for further prosecution in this application.

A check for the fee required under 37 C.F.R. §1.20(d) is submitted herewith. Please charge any deficiency and credit any overpayment to Attorney's Deposit Account 23-1951.

Respectfully submitted,



Hae-Chan Park
Reg. No. 50,114

Date: January 20, 2004

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Tel: 703-712-5365
Fax: 703-712-5280
HCP:WSC/tk

\\COM\384483.1